

JUN 05 2006

Docket No. PBD-00004-D1-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): OSI Pharmaceuticals, Inc.

Serial No: 10/676,832

Filed: 10/01/2003

For: METHOD FOR THE
IMPROVEMENT OF ISLET
SIGNALING IN DIABETES
MELLITUS AND FOR ITS
PREVENTION

Art Unit: 1614

Examiner: Weddington, Kevin E

CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR 1.8

I hereby certify that that this paper is being transmitted via
facsimile to the Mail Stop Petition, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Transmission: June 5, 2006

Type or Print Name of Person Mailing: Shu M. Lee



Signature of Person Mailing

REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL OF
AN UNINTENTIONALLY ABANDONED
PATENT APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became unintentionally abandoned for failure to timely reply to a notice or action by the United States Patent Office, to which a reply was due on November 10, 2005 with an additional three months extension of time. The date of abandonment is the day after the expiration date of the period set for reply in the notice or action plus extensions of time actually obtained.

Applicant hereby petitions for revival of this application. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

On February 13, 2006, Attorney for Applicant, Mr. Shu Lee participated in a telephonic interview with Examiner Kevin E. Weddington. The attorney of record, Mr. Shu Lee, was telephoned on February 13, 2006 regarding filing a response to the outstanding Office Action dated August 10, 2005. After reviewing the physical file and docket reports carefully, Mr. Shu Lee returned the telephone call and stated that he did not receive the Office Action dated August 10, 2005. Applicants respectfully requested a copy of the August 10, 2005 Office Action be mailed to the Applicant at the address listed below in order for the Applicant to respond.

The Petition filed March 9, 2006 was dismissed because a response to the outstanding Office Action was not included in the Petition. Applicants now include a response to the Office Action.

No terminal disclaimer is believed to be due under 37 C.F.R. 1.137(d) because this application was filed after June 8, 1995.

The Commissioner is hereby authorized to charge the petition fee due, and any other fees due in connection herewith, to Deposit Account No. 50-2783.

Respectfully submitted,

Dated: June 5, 2006



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